

AN ORDINANCE TO AMEND, CHAPTER 21, ARTICLE I OF THE CODE OF  
ORDINANCES SO AS TO ESTABLISH A PENALTY FOR TRANSPORTING  
MINORS IN THE BED OF TRUCKS

**WHEREAS**, The State of Tennessee currently has in effect Tennessee Code Annotated 55-8-189 which prohibits a person from transporting a child between six (6) years of age and under twelve (12) years of age in the bed of a truck with a manufacturer's ton rating not exceeding three-quarter (3/4) ton and having a pickup body style; and

**WHEREAS**, Tennessee Code Annotated 16-18-302 (a)(1-2) recognizes and authorizes a municipal court to possess jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars (\$50.00); and

**WHEREAS**, Tennessee Code Annotated 55-8-189 (e) provides that violation of the Tennessee Code Annotated 55-8-189 is a Class C misdemeanor; and

**WHEREAS**, the City Council of the City of Memphis intends to exercise its authority to enact new traffic ordinances.

**SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that Chapter 21, Article I is hereby amended to create a new Section 21-23.3 to read as follows:

Sec. 21-23.3. **Transportation of children in truck beds.**

(a) No person shall transport a child under twelve (12) years of age in the bed of a truck with a manufacturer's ton rating not exceeding three-quarter (3/4) tons and having a pickup body style on city roads or state highways.

(b) This section does not apply to (i) when a person transporting such child in the bed of such vehicle when such vehicle is being used as part of an organized parade, procession, or other ceremonial event, and when such vehicle is not exceeding the speed of twenty miles per hour (20 mph) or (ii) when a child is being transported is involved in agricultural activities.

(c) A violation of this section (a) is a Class C misdemeanor, subject to a 50.00 fine.

**SECTION 2.** BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3.** BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Myron Lowery  
Council Chairman

Attest:  
Patrice Thomas, Comptroller

## **SUMMARY SHEET**

### **I. DESCRIPTION OF ITEM**

Adoption of this ordinance will amend Chapter 28, Article VI of the City of Memphis Code of Ordinances to create Section 28-141, an ordinance which establishes a penalty for non-emergency 911 calls. This ordinance will make non-emergency calls placed to 911 a Class C misdemeanor, subject to a 50.00 fine. Once approved, the final version will be provided to the publisher for the purpose of amending the Code.

### **II. SOURCE AND AMOUNT OF FUNDING**

Not applicable.

### **III. CONTRACT ITEMS**

Not applicable.

### **IV. ADDITIONAL INFORMATION RELEVANT TO APPROVAL OF THIS ITEM**

This proposed ordinance is an adoption of Tennessee Code Annotated 7-86-316. Tennessee Code Annotated 16-18-302 (a)(1-2) recognizes and authorizes a municipal court to possess jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars (\$50.00).